IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 4th day of April 2005

Bail application no. 109 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Chaman @ Sayyad
S/o Shri Mushtaque
R/o Dera Bharapur Bhori
Police Station Jawalapur
District Haridwar .....Applicant

Versus

State of Uttaranchal .....Opposite Party

Arising out of Case Crime No. 120 of 2003
Under Section 2/3 Gangster & Anti Social
Activities (Prevention) Act, 1986
Police Station Kotwali Roorkee
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant applied for bail in case crime No. 120 of 2003 under Section 2/3 Gangster & Anti Social Activities (Prevention) Act, 1986, Police Station Kotwali Roorkee, District Haridwar.

Heard Sri Rajendra Singh learned counsel for the applicant, learned A.G.A. and perused the record.

There are seven cases have been shown against the applicant in the Gang Chart out of which the applicant has been acquitted in two of the cases. Two cases are shown under the Gunda Act while one case is under Section 110 G.

The main important case which is pending against the applicant is under Section 364-A I.P.C. and as per the supplementary affidavit four material witnesses have been examined before the trial court but none of the witnesses have named the applicant in their deposition before the court concerned.

Learned A.G.A. could not controvert the averment made in the supplementary affidavit filed by the applicant.

Considering the fact and circumstances of the case, I think, it would be just and proper to release the applicant on bail at this stage.

Let the applicant Chaman @ Sayyad be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of Special Judge, Gangster Act.

(B.C. Kandpal, J.)

04.04.2005
ASWAl